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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/735,634

12/16/2003

Franck Landrieve

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3516

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EXAMINER

BURCH, MELODY M

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/735,634	Applicant(s) LANDRIEVE, FRANCK	
	Examiner Melody M. Burch	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being anticipated by WO01/73447 (using US Patent 6796713 to Landrieve as an English equivalent) in view of US Patent 1865566 to Hodge.

Re: claims 1-5, 16, 18-20, 22, and 23. Landrieve shows in figure 6 a braked rolling bearing device of the type for a control wheel, comprising an outer part 2 and an inner part 4, one (the inner part) being able to rotate with respect to the other, which does not rotate, by means of at least one row of rolling elements 6 arranged between the rotating and non-rotating parts, the device further comprising a means for detecting rotating parameters 27,28,35, a means 29,30,40,41,33b for braking the rotating part (Examiner notes that by virtue of elements 29,30,40,41 continuously contacting inner part 4 via element 33b the frictional force between the contacting elements provides a continuous braking force on the rotating part during rotation thereof), the means for braking comprising an annular friction member 33b and at least one component

equipped with a flexible tab 29, 40, 41 directly bearing against the annular friction member to continuously brake the rotating part.

Landrieve is silent with regards to element 41 being made up of separate or individual flexible seal members connected to the flexible tabs.

Hodge teaches in lines 51-59 on pg. 1 the use of a plurality of seals instead of an integral or annular seal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the annular seal or flexible member of Landrieve to have included a plurality of seals or flexible members, as taught by Hodge, in order to provide a functionally equivalent means of effecting a seal between two components.

Also, in *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960) the court held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced.

Re: claim 6. Landrieve shows in figure 6 wherein the means for braking is push-fitted onto a support 25 of the outer part.

Re: claim 7. Landrieve shows in figure 6 wherein the means for braking is push-fitted onto a shaft 33c secured to the inner part.

Re: claims 8 and 9. Landrieve shows in figure 6 wherein the means for braking comprises a push-fit portion 40a that extends axially with respect to an axis of rotation of the device and a portion equipped with the tabs 29 that extends radially with respect to the axis of rotation, the tabs extending axially with respect to the axis of rotation.

Re: claim 10. Landrieve shows in figure 6 wherein the means for braking forms a sealing means 41 by way of a narrow passage or space between 33b and the bottom of 40.

Re: claim 11. Landrieve shows in figure 6 wherein the annular friction member comprises a support 33b and a friction lining 41.

Re: claims 12-14. Landrieve shows in figure 6 wherein the annular friction member comprises a support 33b mounted axially between the inner part the right side portions of the inner part and a shoulder (shown below the lead line of number 29) of an element 33c secured to the inner part.

Re: claim 15. Landrieve shows in figure 6 a seal 42 protecting the means for braking.

Re: claim 17. Landrieve shows in figure 6 the means for detecting the rotation parameters comprising a sensor mounted in a cover 19 equipped with a wire outlet for element 20.

Re: claim 21. Landrieve shows in figure 6 a cover 25 fixed onto an end of a casing 19 enclosing the device so as to close off the casing on a side (of element 32) opposite to the control wheel 33c.

Response to Arguments

3. Applicant's arguments filed 3/6/07 have been fully considered but they are not persuasive. Applicant first argues that "there is a lack of a sealing member supported by one of the outer and inner parts and cooperating with the other of the outer and inner part and distinct from the brake." Examiner notes that the brake includes elements 29,

30, 40, 41, and 33b. The Landrieve device also shows element 42 which may be interpreted as a sealing member that is separate from the brake (because it is not one of elements 29, 30, 40, 41, and 33b) and is supported at the top surface by the outer part and cooperating indirectly with the inner part via intervening elements such as elements 40, 41, and 33b. Examiner notes that the claim language does not preclude indirect cooperation between the sealing member and the inner part.

Applicant further argues that Hodge is non-analogous art. Although Examiner agrees that Hodge is not in the field of applicant's endeavor, Examiner maintains that the Hodge reference is reasonably pertinent to the particular problem with which the inventor was concerned. Both Hodge and the instant inventor are concerned with the particular problem of providing an effective seal. Hodge specifically states in lines 51-59 on pg. 1 of the reference that the plurality of members affords "a most effective annular seal." Therefore, the Hodge reference is analogous based on the second prong of the analogous test. Accordingly, the rejections have been maintained.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb
May 21, 2007

Melody M. Burch
Melody Burch
Primary Examiner
5/21/07